

CITY OF BOSTON

CITIZEN PARTICIPATION PLAN MAY 2020 UPDATE



Martin J. Walsh, Mayor

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Department of Neighborhood Development**

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May 2020: The Citizen Participation Plan is amended to

- 1) Add an Addendum #1 "CARES Act Waivers " which details the waivers of certain regulatory requirements granted by the Department of Housing and Urban Development's (HUD) to the City of Boston in order to respond to the COVID-19 pandemic.
- 2) Add the Language and Communication Access procedures for city services in Section H of this document.
- 3) Updated the newspapers available for public notices in sections A1, B1 and C1 of this document.

Pursuant to the requirements of 24 CFR 91.105, the City of Boston hereby issues the following plan to provide for and encourage citizens to participate in the development of the City of Boston's Consolidated Plan, any substantial amendments to the Consolidated Plan, and the performance reports. This plan amends and supersedes the City's existing Citizen Participation Plan, adopted in compliance with Section 104(a)(3) of the Housing and Community Development Act of 1974.

Each year the City of Boston receives grants from the U.S. Department of Housing and Urban Development (HUD) for four programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Options for Persons with AIDS (HOPWA) and Emergency Solutions Grant (ESG). These four grants programs are administered by Neighborhood Development through HUD's Consolidated Planning Process (CPP). The CPP serves as the framework to identify Boston's housing and community development priorities that align and focus funding from the four grant programs.

The Consolidated Plan (Boston's current Plan spans five years from 7/1/18 to 6/30/23) is designed to help Boston to assess our affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Grantees report on accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER).

A) Development of the Consolidated Plan and Action Plan

At least 30-days prior to adopting a Consolidated Plan or an annual Action Plan, the City of Boston will make available to citizens, public agencies, and other interested parties a draft of these documents.

The draft Plan(s) will include information on the amount of assistance the jurisdiction expects to receive from the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG), Section 108 Loan Guarantee HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons With AIDS (HOPWA) program, Emergency Solutions Grants (ESG) including grant funds and program income. It will also include descriptions of each program that the City plans to undertake with such assistance and the estimated amount of such funds that will benefit low- and moderate-income persons.

The City will afford citizens, public agencies and other interested parties an opportunity to examine and comment on the Draft Consolidated Plan or Draft Action Plan through the following actions:

1. The City will publish a Legal Notice in a daily newspaper of general circulation such as the Boston Globe or the Boston Herald summarizing the draft Consolidated Plan or Action Plan. Legal Notices also will be published in weekly newspapers that reach low- and moderate-income residents and residents with a limited English proficiency, such as the Bay State Banner, El Mundo (Spanish), El Planeta (Spanish), and Sampan (Chinese). The summary

will describe the contents and purpose of the Consolidated Plan or Action Plan and include the location where a copy of the draft Plans may be obtained. The notice will also specify the deadline and place to which comments should be submitted. Citizens will be provided with a 30-day period to comment on the Plans.

2. The City will publish a notice of the opportunity for public comment on the draft Consolidated Plan or Action Plan on the DND website: [DND Hearings and Public Comment](#). DND will also post these documents on the website in a format available for citizens to examine or download. Citizens will be provided with a 30-day period to comment on the Plans and will be able to return comments by email to: dndcomments@boston.gov

3. The City will also establish and maintain a Policy News email list of interested citizens, public agencies and other parties for the purpose of providing notice of the issuance of such Plans or of any public hearings related to the development of the Plans. The City will send electronic notice of any such issuance to this email list not less than two weeks prior to said public hearings; and, the day that the Plan is issued and available on the Department's website.

4. The City will consider any comments or views of citizens received in writing, by email to dndcomments@boston.gov, or orally at the public hearings, in preparing the final Consolidated Plan or Action Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the City's reasons therefore, shall be attached to the Consolidated Plan or Action Plan submitted to HUD.

5. It is anticipated that the draft Consolidated Plan and/or Action Plan will be issued on or about the second week of April of each year and the plans shall be adopted and submitted to HUD no later than the 15th of May of each year.

6. After HUD approves the Consolidated Plan and/or annual Action Plan, the City will make the document available to the public by posting the final Consolidated Plan or Action Plan on the DND website: [DND Plans, Reports and Notices](#)

B) Substantial Amendments

The City will use the following criteria for determining what changes in the jurisdiction's planned or actual activities constitute a Substantial Amendment to the Consolidated Plan or Action Plan:

- ❖ If the CDBG national objective for a planned program or activity is changed from low-mod benefit to any other category (except in the event of an urgent need pursuant to 570.203c),
- ❖ If the total amount of CDBG (including Section 108, EDI or Brownfields EDI), HOME, ESG and HOPWA funds allocated to a program is increased or decreased by an amount that is more than 10% of the aggregate budget for program during that program year with the following exemption:

A budget amendment where the actual dollar amount of the change involved is less than \$25,000 or 1% of the program's funding allocation, whichever is greater. Notice to HUD and the public will be provided on all non-substantial budget amendments but would not require a 30-day public comment period for such small budget amendments.

The City will afford citizens, public agencies and other interested parties an opportunity to examine and comment on any such Substantial Amendments through the following actions:

1. The City will publish a Legal Notice in a daily newspaper of general circulation such as the Boston Globe or the Boston Herald summarizing the Substantial Amendment. Legal Notices also will be published in weekly newspapers that reach low- and moderate-income residents and residents with a limited English proficiency, such as the Bay State Banner, El Mundo (Spanish), El Planeta (Spanish), and Sampan (Chinese). The summary will describe the contents and purpose of the Amendment to the Consolidated Plan or Action Plan and include the location where a copy of the draft Substantial Amendment may be obtained. The notice will also specify the deadline and place to which comments should be submitted. Citizens will be provided with a 30-day period to comment on the Amendment.

2. The City will send electronic notice of proposed Substantial Amendment(s) to the Policy News email list and will publish said notice on the DND website ([DND Hearings and Public Comment](#)) at issuance. The City will also post the proposed Substantial Amendment(s) on the website in a format available for citizens to examine or download. Citizens will be able to return comments by email to: dndcomments@boston.gov

3. The City will consider any comments or views of citizens received in writing, or by email in preparing the final Substantial Amendment to the Consolidated Plan or Action Plan for submission to HUD. A summary of these comments or views, and a summary of any comments or views not accepted and the City's reasons therefore, shall be attached to the Amendment submitted to HUD.

4. After the Substantial Amendment is approved by HUD, the City will make the document available to the public by posting on the DND website [DND: HUD Plans Reports and Notices](#)

C) Consolidated Annual Performance and Evaluation Reports (CAPER)

At least 15-days prior to submitting to HUD any CAPER on the Consolidated Plan or Action Plan, the City of Boston will make available to citizens, public agencies, and other interested parties a draft CAPER and an opportunity to examine and comment on the draft CAPER through the following actions:

1. The City will publish a Legal Notice in a daily newspaper of general circulation such as the Boston Globe or the Boston Herald summarizing the draft CAPER. Legal Notices also will be published in weekly newspapers that reach low- and moderate-income residents and residents with a limited English proficiency, such as the Bay State Banner, El Mundo (Spanish), El Planeta (Spanish), and Sampan (Chinese). The summary will describe the contents and purpose of the CAPER and include the location where a copy of the entire draft CAPER may be examined. The notice will also specify the deadline and place to which comments should be submitted. Citizens will be provided with a 15-day period to comment on the report.

2. The City will send electronic notice of any such issuance to the Policy News email list at issuance of the CAPER on the DND website ([DND Hearings and Public Comment](#)).

3. The City will also post the Performance Report on the website in a format available for citizens to examine or download. Citizens will be able to return comments by email to: dndcomments@boston.gov

4. The City will consider any comments or views of citizens received in writing by the specified deadline in preparing the final CAPER. A summary of these comments or views shall be attached to the CAPER submitted to HUD.

5. It is anticipated that the draft CAPER will be issued on or before the 15th of September of each year and the report shall be adopted and submitted to HUD no later than the 30th of September of each year.

6. The City will make the document available to the public after HUD approves the CAPER by posting the CAPER on the department's website at [DND: HUD Plans Reports and Notices](#)

D) Public Hearings

The City will hold at least two formal public hearings each year to obtain citizens' views and to respond to proposals and questions during different stages of the development of the Consolidated Plan or Action Plan. Together, these hearings will address housing and community development needs, development of the proposed activities and review of program performance.

1. The City will hold a first hearing or hearings for the purpose of obtaining citizen views regarding housing and community development needs and priorities for the coming year and to review program performance for the past year. The hearing will be held at least 14 days prior to issuance of the draft Consolidated Plan or Action Plan.

2. The City will hold a second hearing or hearings for the purpose of accepting citizen views regarding the draft Consolidated Plan, or Action Plan. The hearing will be held during the 30-day comment period on the draft Plans. The draft Plans will be available for review at least seven days before

the scheduled hearing. The hearings will be advertised through a Legal Notice in a newspaper of general circulation, posting on the DND website ([DND Hearings and Public Comment](#)) and electronic notice to the Policy News email list not less than two weeks before the hearing.

3. The hearings will be held on a weekday evening at a centrally located and handicapped accessible public places such as the Boston Public Library, the Winter Chambers at 26 Court Street or other such locations.

4. A Spanish interpreter will be available at all hearings. Interpreter services in other languages and sign interpreters for the hearing impaired will be provided upon advance request of at least seven (7) days prior to the scheduled hearing. The City will seek to accommodate other language interpretation needs to the best of its ability, upon advance request.

E) Access to Records

The City will provide citizens, public agencies and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's Consolidated Plan and the jurisdiction use of assistance under programs covered by the Consolidated Plan during the preceding 5 years. Requests for such information must be made in writing to the Compliance Unit, Department of Neighborhood Development, 26 Court Street, 11th floor, Boston, MA, 02108. Where practicable, the City will respond to such requests in writing within 15 working days. Requests for information which is not readily available, or which will require additional research or production of new documents, may take longer. In such cases, the City will respond in writing within 15 days stating whether or not the information is available and the timeline for completing the request.

F) Technical Assistance

Upon written request, the City will provide access to technical assistance to groups representative of low-and moderate-income residents that request such assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan. The City may choose to provide such assistance with its own staff, with consultants under contract to the City under any of its housing and community development programs or

refer the group making the request to any of the organizations funded by the U.S. Department of Housing and Urban Development to provide such assistance. The assistance provided will not include the provision of funds to the groups.

G) Complaints

The City adopted the following procedures for handling complaints from citizens related to the Consolidated Plan, amendments and Performance Reports:

1. All such complaints are to be made in writing to the Compliance Unit, Department of Neighborhood Development (Public Facilities Commission), 26 Court Street, 11th floor, Boston, MA, 02108.
2. The Compliance Unit will coordinate the preparation of a substantive written response to every written citizen complaint within 15 working days of receipt of the complaint, if practicable. The response will include the name of a contact person to facilitate any additional follow-up regarding the complaint.

H) Language and Communications Access for City Services

In August 2016, the City passed an Ordinance to ensure that city services are accessible to all residents regardless of linguistic barriers or physical or visual impairments. The Ordinance established a communication access policy wherein each department defines customized guidelines to ensure meaningful access to services.

DND provides Spanish interpretation at public hearings (see "D" above) and will satisfy other language and disability accommodation requests with reasonable notice for hearings, classes, seminars and events. Community notifications and public advertisements for programs and development projects are translated into other languages as appropriate for limited-English proficient residents in the impacted neighborhood. Verbal communication with limited English speakers' is managed with DND bilingual staff and the Communications Access Coordinator in the Mayor's Office of Neighborhood Services.

ADDENDUM A: **CARES Act WAIVERS GRANTED**

- a) Amend the comment period from 30 days to a minimum of 5 days.
- b) Suspend in-person public hearings for virtual public hearings.

On April 1, 2020, HUD issued a memorandum providing regulatory waivers of certain Continuum of Care (CoC), Emergency Solutions Grant (ESG), Housing for Persons With AIDS (HOPWA), and Consolidated Plan requirements to help:

- Prevent the spread of COVID-19
- Provide additional support to individuals and families who are economically impacted by COVID-19
- Simplify the notification process to expedite delivery of assistance

This waiver applies to the proposed uses of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Options for Persons with AIDS (HOPWA) Emergency Solutions Grant (ESG) and Housing Trust Funds (HTF).

HUD established procedural steps for grantees to follow to use the waiver authority through **June 30, 2021**.

- 1) With respect to Consolidated Plan Requirements and the Citizen Participation Public Comment Period for Consolidated Plan Amendment

The requirement of a 30-day Public Comment Period (Citations: 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401) is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment.

- 2) Citizen Participation Reasonable Notice and Opportunity to Comment Regulations (24 CFR 91.105(c)(2) and (k) require Boston to follow its citizen participation plan providing citizens with reasonable notice and opportunities to comment.

Efforts to contain COVID-19 require limiting public gatherings, such as

those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waived 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 to allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

Under the expedited procedures, Boston need not hold in-person public hearings. As long as public health authorities recommend social distancing and limiting public gatherings for public health reasons, Boston may create virtual public hearings to fulfill applicable public hearing requirements.

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